

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

## **SAN JOSE DIVISION**

Richard Dean CLARK,

Petitioner,

V.

Robert L. AYERS Jr., Warden of San Quentin  
State Prison.

## Respondent.

Case Number 5-97-cv-20618-JW

## DEATH-PENALTY CASE

**ORDER DIRECTING FILING OF  
STATUS REPORT**

[ ]

On June 18, 2007, pursuant to an order of this Court, the parties filed a joint statement on the status of ongoing discovery litigation in state court and issues related to declarations drafted or procured by Kathleen Culhane, who has pleaded guilty in the Superior Court of California for the County of Sacramento to, inter alia, procuring or offering false or forged declarations on behalf of condemned inmates. According to the joint statement, the parties anticipate that the discovery ordered in state court should be completed by August 2, 2007; the parties should be in a position shortly thereafter to determine the impact the state-court proceedings may have on the present action. The joint statement also indicates that Petitioner intends to withdraw at least two additional declarations in connection with the Culhane matter and to submit new expert declarations thereafter; all matters related to Ms. Culhane should be resolved when Ms. Culhane is sentenced for her crimes on August 16, 2007.

Accordingly, and good cause appearing therefor, Petitioner shall complete all matters related to Ms. Culhane in the present action by August 16, 2007. In addition, the parties shall submit an updated joint report indicating the status of the state-court discovery litigation and its impact on the present action as well as the status of matters related to Ms. Culhane by August 23, 2007.

*It is so ordered.*

DATED: June 25 2007

JAMES WARE  
United States District Judge